IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.58 OF 2007
IN
APPEAL FROM ORDER NO.36 OF 2007

Ramesh Shankarlal Bhandari ...Applicant
vs.
Smt.Shevantabai Rambhau Sondekar ...Respondent

Mr.Navin Parikh with Mr.R.H.Sathe for the Applicant
Mr.Jaydeep Deo for the Respondent.

CORAM: A.S.OKA,J.
DATE : MARCH 22,2007.

P.C.:

1. Rule. The Advocate for the Respondent waives service. Taken up for hearing forthwith. Appeal from Order has been admitted for final hearing. In a suit for specific performance of agreement for sale of an immoveable property, the Applicant had applied for temporary injunction restraining the Respondent from creating third party interests. By the order impugned, the said Application has been rejected.

2. Considering the facts and circumstances of the case, till the final disposal of the Appeal, the Respondent will have to be restrained from creating any third party interests subject to the Applicant depositing a reasonable amount. Considering the facts of the case, the Applicant will have to deposit a sum of Rs.3,50,000/- with the Trial Court within a period of four weeks from today. Deposit of the amount by the Applicant will be without prejudice to the rights and contentions of both the parties. The Trial Court will invest the said amount in a fixed deposit.

3. Hence, Civil Application is disposed of by passing the following order :

i) The Respondent is hereby restrained by an order of temporary injunction till the final disposal of the Appeal from creating third party interests in respect of the suit property subject to condition of the Applicant depositing with the Trial Court a sum of Rs.3,50,000/- within a period of four weeks from today.

ii) If the amount is not depositing within stipulated period, interim relief granted by this order will stand vacated without further reference to the court.

iii) The deposit of the amount will be without prejudice to the rights and contentions of both the parties.

iv) If the amount is deposited, the Trial Court will invest the said amount in a fixed deposit in any nationalised bank initially for a period of one year and thereafter the fixed deposit shall be renewed from time to time till the final disposal of the suit.

v) The order regarding disbursement of the said amount and the interest accrued thereon will be passed by the trial Court at the time of finally deciding the suit. There will be no order as to costs.

JUDGE